

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In the Matter of the Application of ORLY  
GENGER to Remove Dalia Genger as Trustee of  
the Orly Genger 1993 Trust Established on  
Dec.13, 1993 by Arie Genger, grantor.

Case No. 19-cv-9319 (AKH)

Orly Genger, beneficiary of The Orly Genger  
1993 Trust,

N.Y. Cty. Surrogate's Court File  
No.: 2008-0017

Petitioner,

- against -

Dalia Genger, as trustee of The Orly Genger 1993  
Trust, and The Sagi Genger 1993 Trust,

Respondents.

**NOTICE OF MOTION TO REMAND**

PLEASE TAKE NOTICE that Michael Oldner, in his capacity as the trustee of The Orly Genger 1993 Trust, by and through his counsel, will move this Court, the U.S. District Court for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007, at a time and date to be determined by the Court, for an Order remanding these proceedings back to the New York Surrogate's Court.

The Trustee's motion is based on the following grounds: (1) the mootness doctrine, i.e., a lack of standing by the former Chapter 7 Trustee Ron Satija to maintain this action; (2) mandatory abstention principles, pursuant to 28 U.S.C. § 1334(c)(2); and (3) discretionary abstention principles, pursuant to 28 U.S.C. § 1334(c)(1).

This motion will be further based on this Notice, the Orly Genger 1993 Trust Trustee's accompanying Memorandum of Law, the supporting Declaration of Christopher K. Leung, the papers and briefs submitted in this action to date, including the related case *Genger v. Genger et al.*,

Case No. 1:19-cv-09365 (S.D.N.Y.) (AKH), and such other oral and documentary evidence that may later be submitted to this Court.

Dated: November 7, 2019  
New York, NY

POLLOCK COHEN LLP

By: /s/ Adam Pollock  
Adam L. Pollock  
Christopher K. Leung  
60 Broad St., 24th Floor  
New York, NY 10004  
Chris@PollockCohen.com  
Adam@PollockCohen.com  
Phone: (212) 337-5361

*Attorneys for Michael Oldner, Trustee of  
the Orly Genger 1993 Trust*

To (via ECF):

Michael P. Bowen  
Kasowitz, Benson, Torres LLP  
1633 Broadway  
New York, NY 10019  
*Counsel for Orly Genger, beneficiary of the Orly Genger 1993 Trust*

To (via email and US Mail):

Judith Bachman, Esq.  
The Bachman Law Firm  
365 S. Main Street, 2nd Floor  
New City, NY 10956  
*Counsel for Dalia Genger*

John Dellaportas, Esq.  
Emmet, Marvin & Martin LLP  
120 Broadway, 32nd Floor  
New York, NY 10271  
*Counsel for the Sagi Genger 1993 Trust*

Steven Riker, Esq.  
Law Office of Steven Riker  
One Grand Central Place, 46th Floor  
New York, NY 10165  
*Guardian Ad Litem*